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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,854	07/15/2003	Makoto Katagishi	62758-042	4351
7590	02/19/2009			
MCDERMOTT, WILL & EMERY			EXAMINER	
600 13th Street, N.W.			LIN, JASON K	
Washington, DC 20005-3096			ART UNIT	PAPER NUMBER
			2425	
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			02/19/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/618,854	<b>Applicant(s)</b> KATAGISHI ET AL.
	<b>Examiner</b> JASON K. LIN	<b>Art Unit</b> 2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 05 December 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 15-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 15-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 July 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/06/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to application No. 10/618,854 filed on 12/05/2008.

**Claims 15-19** are pending and have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/05/2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 15-19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claim 15, 16, 18, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 7,185,283) in view of Goto et al. (US 2002/0037159).

Consider **claim 15**, Takahashi teaches an information processing terminal capable of communicating with an external recorder/player and controlling a reproduction of video information of a program stored in the external recorder/player (image replaying device VP1 - Fig.1 {information processing terminal}, Mass storage C13, M1 - Fig.1 Col 53: lines 25-37 teaches that the driving mechanism C13 can also be connected to an external unit having a mass storage medium. Col 20: lines 39-55 teaches a mass storage medium that is used by the system to record and replay data, *therefore the information processing terminal must be able to communicate with the external recorder/player in one way or another in order to facilitate recording and replaying of data*), comprising:

a broadcast receiver (receiving section C10 – Fig.1) which receives a broadcast signal that contains video information of a program and information about the program (Col 21: lines 7-27);

a display (Display Unit C15 - Fig.1) which displays the video information received by the broadcast receiver (Col 26: lines 15-18, Col 27: lines 34-45);

a storage (high-speed storage unit C12 – Fig.1) which extracts a part of the video information as program identification image information and stores the program identification image information associated with the information about the program when a recording instruction is inputted by a user of the information processing terminal (Col 31: lines 21-40, 52-54 teaches thumbnail picture

information extracted from the stream when a user uses an intake instruction of a video image);

a transmitter which transmits information to the external recorder/player (Col 20: lines 39-55, Col 53: lines 25-37, Col 26: lines 9-14 teaches sending {transmitting} video image data to driving mechanism where video image data is recorded and stored on the mass storage device); and

a controller (Semantic Brower Means C1 – Fig.1, 2) which controls the display so as to display the program identification image information stored in the storage and the transmitter so as to transmit the information about the program associated with the program identification image information to the external recorder/player when a reproduction instruction is inputted by the user after the program identification image information displayed by the display has been selected by the user (Col 31: line 66 – Col 32: line 16, Col 32: lines 44-48, Col 29: lines 51-62).

Takahashi does not explicitly teach extracting a part of the video information while the video information is being displayed by the display.

In analogous art Goto teaches extracting a part of the video information while the video information is being displayed by the display (Paragraph 0053-0055, 0051 teaches a recording command is issued, the designated content signal fed from tuner 11-Fig.1, is recorded along with auxiliary information, and a corresponding start picture thumbnail representing the program of the content signal is stored. Paragraph 0034, 0038 teaches the path flow of video

information from the tuner to the TV to be displayed. *Therefore, during reception of a content signal via the tuner, that outputs the content signal onto the TV, the video information is being displayed while the user issues the record command.*

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Takahashi's system to include extracting a part of the video information while the video information is being displayed by the display, as taught by Goto, for the advantage of allowing the user to view and better determine and confirm desired content prior to recording and saving pertinent information, allowing them to make a more informed decision on what to record.

Consider **claim 16**, Takahashi and Goto teach wherein the transmitter transmits a recording instruction with the information about the program to the external recorder/player when the recording instruction is inputted by the user (Takahashi – Col 31: lines 21-40).

Consider **claim 18**, Takahashi and Goto teach wherein the information about the program is information that indicates a program ID, a program title, a broadcast channel or a broadcast time zone (Takahashi – Col 21: lines 19-24).

Consider **claim 19**, Takahashi and Goto teach wherein the program identification image information is still picture information (Takahashi – Col 31: lines 33-34 teaches thumbnail picture are still image).

6. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 7,185,283), in view of Goto et al (US 2002/0037159), and further in view of Kanemitsu (US 6,854,127).

Consider **claim 17**, Takahashi and Goto teaches a receiver which receives information from the external recorder/player (Takahashi – Col 26: lines 18-20, 60-64), but does not explicitly teach wherein the receiver receives information about a rebroadcast of the program and the controller controls the display so as to display the information about the rebroadcast of the program.

In an analogous art Kanemitsu teaches, wherein the receiver receives information about a rebroadcast of the program and the controller controls the display so as to display the information about the rebroadcast of the program (Abstract, Col 2: lines 54-63, Col 2: line 67 – Col 3: line 2, Col 8: lines 10-20).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Takahashi and Goto to include wherein the receiver receives information about a rebroadcast of the program and the controller controls the display so as to display the information about the rebroadcast of the program, as taught by Kanemitsu, for the advantage of providing the user with valuable information on desired content, allowing them to obtain the complete content with ease via the client system (Kanemitsu - Col 2: line 54-63).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Lin/  
Examiner, Art Unit: 2425

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425